

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: : Case No. 19-51442
Jessie L Boysel, Jr.
Edith A. Boysel, : Chapter 13
Debtor(s). : Judge John E. Hoffman Jr.

MOTION TO DEEM MORTGAGE CURRENT

Now comes Faye D. English, Chapter 13 Trustee (“Trustee”), and moves this Court for an order deeming the mortgage obligation of Debtor(s) to U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 BKM-TT (“Creditor”), being serviced by Rushmore Loan Management Services and evidenced by Claim No. 9, current as of the month in which the final payment was made by Trustee, specifically, May 2022 (“Final Payment Date”). In support of her Motion, Trustee states as follows:

MEMORANDUM IN SUPPORT

Debtor(s) filed a case under Chapter 13 of the Bankruptcy Code on March 12, 2019. The Plan was confirmed on June 4, 2019. Pursuant to the terms of the confirmed Chapter 13 Plan and any filed proofs of claim, any default in the mortgage obligation was to be cured. Ongoing post-petition mortgage payments were to be paid to Creditor through Trustee via conduit payments commencing April 2019.

Debtor(s) has/have completed all requirements of the confirmed Plan. Trustee has made the final conduit mortgage payment for the Final Payment Date. Trustee has instructed Debtor(s) to make mortgage payments directly to Creditor beginning with the month following the Final Payment Date. All allowed claims for pre-petition arrearages and all ongoing post-petition mortgage payments have been paid in full in accordance with the terms of the confirmed Chapter

13 Plan.

Pursuant to Rule 3002.1(f) of the Federal Rules of Bankruptcy Procedure, Trustee filed a Notice of Final Cure Payment (Docket No. 50) (“Notice”) indicating Debtor(s) completed all payments under the confirmed Chapter 13 Plan and paid in full the amounts required to cure any default under Creditor’s claim.

Pursuant to Rule 3002.1(g) of the Federal Rules of Bankruptcy Procedure, Creditor filed a Response (Docket No. 55) agreeing Debtor(s) completed all payments under the confirmed Chapter 13 Plan and paid in full the amounts required to cure any default under Creditor’s claim.

WHEREFORE, Trustee respectfully requests that this Court enter an order:

- (a) finding that the pre-petition arrearage claim of Creditor has been paid in full;
- (b) finding that all ongoing post-petition mortgage payments have been made through the Final Payment Date, and that all such payments are deemed to have been made on a timely basis;
- (c) finding that the mortgage obligation to Creditor is deemed current as of the Final Payment Date; and
- (d) directing Creditor to adjust its loan balance to reflect the balance delineated in the original amortization schedule (or if the loan was modified, the modified amortization schedule) as of the Final Payment Date, and finding that any amounts in excess of

that balance, including any alleged arrearages, costs, fees or interest are discharged pursuant to 11 U.S.C. §1328.

Respectfully submitted,

/s/ Faye D. English

Faye D. English (0075557)

Chapter 13 Trustee

10 W. Broad Street, Suite 1600

Columbus, OH 43215

614-420-2555 telephone

614-420-2550 facsimile

notices@ch13columbus.com

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NOTICE OF MOTION TO DEEM CURRENT

Faye D. English, Chapter 13 Trustee, has filed papers with the Court to deem a mortgage current.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify or eliminate your claim, then within **twenty-one (21) days** from the service date of the motion, you or your attorney must file with the Court a written response explaining your position at:

U.S. Bankruptcy Court
170 N. High Street
Columbus, OH 43215

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the deadline stated above. You must also mail a copy to all parties required to be served pursuant to the Federal and Local Rules of Bankruptcy Procedure, including the Chapter 13 Trustee at:

Faye D. English, Chapter 13 Trustee
10 W. Broad Street, Suite 1600
Columbus, OH 43215

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: June 15, 2022

/s/ Faye D. English
Faye D. English (0075557)
Chapter 13 Trustee
10 West Broad Street, Suite 1600
Columbus, OH 43215
(614) 420-2555 telephone
(614) 420-2550 facsimile
notices@ch13columbus.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Deem was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **first class mail** on June 15, 2022 addressed to:

Jessie L Boysel, Jr.
Edith A. Boysel
2148 Trophy Drive
Marysville, OH 43040

U.S. Bank National Association, as Trustee
c/o Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619-2708

Via Certified Mail

U.S. Bank National Association, as Trustee
c/o Aaron Johnston, Vice President
100 Wall Street, Fl. 16
New York, NY 10005-3716

/s/ Faye D. English
Faye D. English (0075557), Chapter 13 Trustee